

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHEILA LYONS, DVM and
HOMECOMING FARMS INC.,

Plaintiffs,

v.

Civil Action No. 1:11-cv-12192

ROBERT GILLETTE, THE BOARD OF
DIRECTORS OF THE AMERICAN
COLLEGE OF VETERINARY SPORTS
MEDICINE AND REHABILITATION,
INC. and THE AMERICAN
VETERINARY MEDICAL
ASSOCIATION, INC.,

Defendants.

**DECLARATION OF DR. ROBERT L. GILLETTE, DVM, MSE
IN SUPPORT OF PARTIAL MOTION TO DISMISS**

I, Robert L. Gillette, declare and state as follows:

1. I hold a Doctorate of Veterinary Medicine from Kansas State University. I am Director of the Animal Health & Performance Program in the College of Veterinary Medicine at Auburn University.
 2. I am licensed to practice in the state of Alabama, where I also reside.
 3. I serve on the Board of Directors of the American College of Veterinary Sports Medicine and Rehabilitation, a Colorado non-profit, and I am a past President of that organization.
 4. I have never had a license in Massachusetts, conducted any business there or lived there. I have no patients in Massachusetts and I have never directed any advertising there.
 5. I own no real or personal property located in Massachusetts.
 6. The American College of Veterinary Sports Medicine and Rehabilitation has never held an event or meeting in Massachusetts.
-

7. I have never met with the Plaintiff, Dr. Sheila Lyons, in Massachusetts or visited any office of Homecoming Farm, Inc.
8. Paragraph 129 of the complaint in this matter states that I sent a letter to the American Veterinary Medical Association on September 1, 2004. A true and accurate copy of that letter is attached as **Exhibit A**.
9. Paragraph 130 of the complaint in this matter states that I sent a letter to the American Veterinary Medical Association on November 25, 2005. A true and accurate copy of that letter is attached as **Exhibit B**.
10. To the best of my knowledge, Sheila Lyons does not hold a veterinary license in Massachusetts. I have visited the website of the Massachusetts Division of Professional Licensure, and that site has no record of such a license. Attached as **Exhibit C** is a true and accurate copy of a printout from the search engine of that site as of February 2, 2012.
11. To the best of my knowledge, Sheila Lyons and Homecoming Farm, Inc. have not registered any copyrights. I have visited the website of the Copyright Office and the search engine on that site has no record of such registrations. Attached as **Exhibit D** are true and accurate copies of printouts from the search engine of that site as of February 2, 2012.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.


Robert L. Gillette

Dated 2-6-12

EXHIBIT A

Page 1 of 1

From: "Robert L. Gillette" <gilletr@vetmed.auburn.edu>
To: <Phototake1@aol.com>; <homecomingfarm@attbi.com>; <homecomingfarm@comcast.com>
Cc: <gilletr@vetmed.auburn.edu>; <Linda.Blythe@oregonstate.edu>; <claytonh@cvm.msu.edu>;
<dmn@vet.upenn.edu>; <RTDVM@aevh.com>; <k9care@sportsvet.com>; <igd642@aol.com>;
<Lrdvm@tca.net>; <LRUSSELL@cvm.tamu.edu>; <salsbury@vet.upenn.edu>;
<scudlip@aevh.com>; <ESabin@avma.org>; <dr_mcesari@yahoo.com>
Sent: Wednesday, September 01, 2004 3:18 PM
Attach: QuestRep.doc; Lyons.doc
Subject: Re: Dr Lyons
Ms. Asak

I have attached a response to your questions regarding the relationship between Dr. Sheila Lyons and the Organizing Committee for the American College of Veterinary Sports Medicine and Rehabilitation. I will send you a printed copy. Could you please send me an address that I can use to send it to you? I am sending a copy of this e-mail to all of the involved parties.

Sincerely,

Robert L. Gillette

Robert L. Gillette, DVM, MSE
Director
Richard G. and Dorothy A. Metcalf
Veterinary Sports Medicine Program
College of Veterinary Medicine
Auburn University, AL 36849

1/3/2012

September 1, 2004

Robert L. Gillette, DVM, MSE
Chairman
Organizing Committee
American College of Veterinary Sports Medicine and Rehabilitation

To Whom It May Concern:

This letter is being written to describe the relationship of Dr. Sheila Lyons with the organizing committee for the American College of Veterinary Sports Medicine and Rehabilitation (ACVSMR). At this time there is no formal specialty in this field that is recognized by the American Veterinary Medical Association (AVMA). Two years ago a committee was formed to initiate the process to develop a recognized specialty within the AVMA. Dr. Lyons was one of the veterinarians that was on this committee. Because we are in the infancy of this process it could be stated that we are still an informal group that is developing our structure from which we can build a formal organization. Most of the committee had not known Dr. Lyons prior to our first meeting in Chicago last May.

I personally had been introduced to Dr. Lyons at a Rehabilitation Seminar held in Oregon in 2000. I was in the process of gathering information from the AVMA to determine if creating a Sports Medicine specialty was possible. She contacted me at a later date to offer her assistance in this process. Before that time I had never heard of her or Homecoming Farms Incorporated (HCF). My background is not necessarily in the area of equine medicine, so I assumed I had not heard of her for that reason.

Dr. Lyons had offered financial help from HCF to help cover costs associated with the organizing process. At the Chicago meeting held in May the committee specifically declined any financial assistance from HCF. It was decided that we would initially try to handle the expenses personally.

At an organizational meeting held in Philadelphia, PA July 26, committee member credentials were discussed. The AVMA has set credentials that have to be met by any veterinarian that is being considered by a specialty group. The ACVSMR had not reached the point in their organizational process where the member's credentials were to be confirmed. At the Philadelphia meeting Dr. Lyons was asked about her credentials. I had previously requested that she and all members of the committee provide proof of their credentials and education. I had received a copy of Dr. Lyons' Veterinary Degree from Tufts University, but nothing about her other training or advanced degrees. She was unable to produce any documentation of her advanced training or education.

At the end of the meeting we asked about the seminar that she had given in Cape Cod, MA. Our specific concerns were the solicitation of money. When asked where the money had gone, Dr. Lyons stated that the money had gone to cover the costs of the case. I then suggested that Dr. Lyons return any money that had been raised to help fund the ACVSMR organizing costs. At the end of the meeting the committee members gave Dr.

Lyons the option to relinquish her position on the committee and she declined. The committee then met privately to discuss Dr. Lyons' future role on our organizing committee. The ACVSMR then unanimously voted to ask Dr. Lyons to recuse herself from the committee. When Dr. Lyons returned she was asked to recuse herself from the committee and she agreed. Any relationship between Dr. Lyons or HCL and the ACVSMR is now officially terminated.

The ACVSMR never received or requested money from HCF. The ACVSMR never requested HCF to solicit monies to assist with any costs associated with our organizational committee

Respectfully Submitted

Robert L. Gillette

EXHIBIT B



The Organizational Committee for the American College of
Veterinary Sports Medicine and Rehabilitation
Robert L. Gillette, DVM, MSE, Acting Chairman
The Veterinary Sports Medicine Program
College of Veterinary Medicine
Auburn University, AL 36849
(334) 844-5646

11/25/05

Dr. Larry Dee
Dr. Suzanne Stoakopf
Cc: Dr. Elizabeth Sabin
Cc: David Banasak
Cc: Drs. Blythe, Clayton, Nunamaker, & Taylor

Drs. Dee and Stoakopf,

I wanted to write and give you an update on this years progress towards forming the American College of Veterinary Sports Medicine and Rehabilitation. We are in the final processes of forming the formal Organizational Committee. At the suggestion of Dr Dee, we instigated a two-level Delphi process to inclusively select Veterinarians that were recognized by their peers as being qualified to sit on this committee. A letter was sent to Veterinarians that were known to be qualified for the committee. The letter asked if they would be interested in being on the committee and if they would suggest other names that should be considered. The Veterinarians suggested by these individuals were then sent the same letter. Veterinarians suggested in this level were then sent a letter asking if they would consider being on the committee. A total of 58 veterinarians were recommended to be contacted.

We are in the process of having these veterinarians select our formal Organizational Committee. This should be finished by the end of January 2006. Once the formal committee has been selected we will have our first meeting of establishment.

On another note, I wanted to update you on the issues surrounding Dr. Lyons and the complaints by the owners and veterinarians in the New England area. At the request of the initial committee, Dr. Lyons rescinded her seat on the committee. The committee had never asked her to seek outside funding nor had we ever requested outside financial assistance for our work. This was explained, both in writing and verbally, to the parties filing the complaint. They have accepted that this issue was with Dr. Lyons and not the committee and that Dr. Lyons actions and requests were not representative of the committee. This issue has been resolved.

I am providing this information for you to report to the Committee for the American Board of Veterinary Specialties. I hope that you have time to read over this before the December meeting and I apologize if you did not receive this in a timely manner. I think

that it is very important that you are informed of our progress. The Veterinarians that have been contacted are all in agreement that is an area of Veterinary Medicine that should have a formal specialty board. This process has also shown us that there is great interest in the general Veterinary population in pursuing this specialty. Thank you for your help and I look forward to any thoughts or suggestions as we move forward.

Thank you,

Robert L. Gillette, DVM, MSE

EXHIBIT C

The Official Website of the Office of Consumer Affairs and Business Regulation (OCABR)

Division of Professional Licensure

Mass.Gov

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[Home](#) > [Division of Professional Licensure](#) >

Check A Professional License

By the [Division of Professional Licensure](#)

SEARCH CRITERIA

Profession: Veterinarian
Last Name: beginning with Lyons
First Name: beginning with Sheila

[NEW SEARCH](#)

There are no licensees fitting this criteria.

Your search has resulted in 0 licenses

Note: If the licensee cannot be found by name and the name typically has apostrophes, spaces, hyphens or periods try doing the search again without these characters. **Examples:**

- If the last name is "O'Donnell", try searching for "ODonnell" or "O Donnell"
- If the last name is "McDonald", try searching for "Mc Donald"
- If the last name is "St. Helens", try searching for "StHelens" or "St Helens"
- If the last name is "Jones-Doe", try searching for "JonesDoe" or "Jones Doe"

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EXHIBIT D

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United States Copyright Office

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Public Catalog

Copyright Catalog (1978 to present)

Your search found no results. Refer to search examples, check spelling or try another search type.**Basic Search****Other Search Options**

Search for: Lyons, Sheila

Search by: Title (omit initial article A, An, The, El, La, Das etc.)

Name (Crichton Michael, Walt Disney Company)

Scroll down for
Search Hints

Keyword

Registration Number (for VAU 598-675 type vau000598675)

Document Number (for V2606 P87 type v2606p087)

Command Keyword

25 records per page ☐[Begin Search](#)[Clear Search](#)[Set Search Limits](#)

Search Hints

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- Can't find what you're looking for? Try our "Other Search Options".
- Search terms are not case sensitive.
- Search limits can be used with all "Search by:" options.

Search Type	Hint
<u>Title</u>	<ul style="list-style-type: none"> - Omit initial articles (A, An, The, El, La, Das): King and I - Type the entire title, or the first few words of the title, starting with the first word
<u>Name</u>	<ul style="list-style-type: none"> - For personal names, type last name first name: Hillerman Tony - For corporate names, type in order: Sony Music Entertainment; Walt Disney Company <p>For Claimant names, go to Other Search Options and select "Name: Claimant (KLCN)" from the <i>Search by</i> box. For personal names, type first name last name: James Michener. For corporate names, type in order: Metro Goldwyn Mayer</p> <p>For Document names, go to Other Search Options and select either "Docs: Party1 Statement (K291)" or "Docs: Party2 (K292)", or "Docs Party1/2 (KPTY)" from the <i>Search by</i> box. For personal names, type first name last name: Stephen King. For corporate names, type in order: Warner Brother Pictures</p>
<u>Keyword</u>	<ul style="list-style-type: none"> - Searches word(s) anywhere in the record - Retrieves records with at least one of your search words - Use + before words that must appear in every record retrieved - Use ! before words that must not appear in any record retrieved - Use ? for truncation: photo? finds photograph, photographic, photographer - Use "" to surround exact phrases: "war of the worlds"

<u>Registration Number</u>	<ul style="list-style-type: none"> - Omit spaces and hyphens - Registration numbers must be 12 characters long. Type 2 letters followed by 10 digits, or 3 letters followed by 9 digits; add zeroes before the number: VAu-598-764 is typed VAU000598764, SR-320-918 is typed SR0000320918
<u>Document Number</u>	<ul style="list-style-type: none"> - Omit spaces and hyphens - The number after the "v" is always 4 digits; the number after the "p" or "d" is always 3 digits - V2606 P87 is typed V2606P087
<u>Command Keyword</u>	<ul style="list-style-type: none"> - Use index codes and Boolean operators - Use ? for truncation: photo? finds photograph, photographic, photographer - Use "" to surround exact phrases: "war of the worlds"

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Public Catalog

Copyright Catalog (1978 to present)

Your search found no results. Refer to search examples, check spelling or try another search type.**Basic Search****Other Search Options**

Search for: Homecoming Farm

Search by: Title (omit initial article A, An, The, El, La, Das etc.)

Scroll down for
Search Hints

Name (Crichton Michael; Walt Disney Company)

Keyword

Registration Number (for VAu 598-675 type vau000598675)

Document Number (for V2606 P87 type v2606p087)

Command Keyword

25 records per page ☐[Begin Search](#)[Clear Search](#)[Set Search Limits](#)

Search Hints

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- Can't find what you're looking for? Try our "Other Search Options".
- Search terms are not case sensitive.
- Search limits can be used with all "Search by:" options.

Search Type	Hint
<u>Title</u>	<ul style="list-style-type: none"> - Omit initial articles (A, An, The, El, La, Das): King and I - Type the entire title, or the first few words of the title, starting with the first word
<u>Name</u>	<ul style="list-style-type: none"> - For personal names, type last name first name: Hillerman Tony - For corporate names, type in order: Sony Music Entertainment; Walt Disney Company <p>For Claimant names, go to Other Search Options and select "Name: Claimant (KLCN)" from the <i>Search by</i> box. For personal names, type first name last name: James Michener. For corporate names, type in order: Metro Goldwyn Mayer</p> <p>For Document names, go to Other Search Options and select either "Docs: Party1 Statement (K291)" or "Docs: Party2 (K292)", or "Docs Party1/2 (KPTY)" from the <i>Search by</i> box. For personal names, type first name last name: Stephen King. For corporate names, type in order: Warner Brother Pictures</p>
<u>Keyword</u>	<ul style="list-style-type: none"> - Searches word(s) anywhere in the record - Retrieves records with at least one of your search words - Use + before words that must appear in every record retrieved - Use ! before words that must not appear in any record retrieved - Use ? for truncation: photo? finds photograph, photographic, photographer - Use "" to surround exact phrases: "war of the worlds"

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